

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANDY FABER,

Plaintiff,

v.

TERRANCE SMITH,

Defendant.

Case No. 1:19-cv-24

HON. JANET T. NEFF

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OPINION AND ORDER

Pending before the Court in this civil action are two matters: Plaintiff's objection to the Magistrate Judge's Report and Recommendation (Pl. Obj., ECF No. 40; R&R, ECF No. 31), and Plaintiff's objection to the Magistrate Judge's Order (Pl. Obj., ECF No. 44; Order, ECF No. 30). The Court denies each objection, and issues this Opinion and Order.

Plaintiff's Objection to Report and Recommendation

The Magistrate Judge issued a Report and Recommendation recommending that this Court deny two motions concerning remand filed by Plaintiff (R&R, ECF No. 31 at PageID.97). The Magistrate Judge concluded that Defendant "has demonstrated that jurisdiction is proper in this Court and Plaintiff has identified no basis for remanding this matter to state court" (*id.* at PageID.98).

An objection to a magistrate judge's report and recommendation must "specifically identify the portions of the proposed findings, recommendations, or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b). The Court reviews de novo "those

portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* District courts need not provide de novo review of frivolous, general, or conclusive objections. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

Plaintiff’s objection fails to identify any portion of the Report and Recommendation to which he objects, or fails to provide a basis for his purported objections. *See* W.D. Mich. LCivR 72.3(b). For example, Plaintiff simply argues that he “has the right to file a motion to block a motion of dismissal” and otherwise makes general statements about the case (*see* Pl. Obj., ECF No. 40 at PageID.126-127). Thus, Plaintiff’s objection is denied. Plaintiff’s motions (ECF No. 12, 17) are properly denied. Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court.

Plaintiff’s Objection to Magistrate Judge’s Order

The Magistrate Judge also issued an Order denying two requests/motions filed by Plaintiff because both “are frivolous and Plaintiff has failed to identify any authority supporting the requested relief” (Order, ECF. 30 at PageID.96). This Court will reverse an order of the Magistrate Judge only where it is shown that the decision is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); *see also* FED. R. CIV. P. 72(a); W.D. Mich. LCivR 72.3(a).

Plaintiff objects to the Magistrate Judge’s decision to deny Plaintiff’s motion to block Defendant’s future motion to dismiss (ECF No. 23). Plaintiff argues that his motion brief “clearly stated valid reasons” for the motion to be granted (Pl. Appeal, ECF No. 44 at PageID.147). Plaintiff’s unsupported assertions fail to provide any valid basis for objection, and thus wholly fail to demonstrate that the Magistrate Judge’s Order was clearly erroneous or contrary to law. The objection is denied.

Therefore:

IT IS HEREBY ORDERED that Plaintiff's Objections (ECF No. 40) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 31) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's "motion to remand" (ECF No. 12) and Plaintiff's "motion to seek judgment on motion to remand" (ECF No. 17) are DENIED.

IT IS FURTHER ORDERED that Plaintiff's Objection (ECF No. 44) to the Order of the Magistrate Judge is DENIED.

Dated: April 19, 2019

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge